

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

AUSTIN KYLE SMITH,)	
)	
Petitioner,)	
)	
v.)	No. 1:19-cv-03614-TWP-TAB
)	
UNITED STATES OF AMERICA,)	
STATE OF INDIANA,)	
)	
Respondents.)	

**ENTRY DISCUSSING AMENDED PETITION, DISMISSING ACTION,
AND DIRECTING ENTRY OF FINAL JUDGMENT**

In the Entry of August 30, 2019, the Court determined that the petitioner’s petition for writ of habeas corpus failed to state a claim upon which relief can be granted. Dkt. 5. Indeed, the petitioner does not seek relief from any type of custody. The Court gave the petitioner an opportunity to either show cause why the action should not be dismissed or file an amended pleading. The petitioner filed an amended petition on September 17, 2019. Dkt. 10.

The petitioner alleges that the respondents have attempted to “falsely label him as an agent of a foreign power, specifically an agent of Saudi Arabia; for the purpose [sic] obtaining at least one F.I.S.C. warrant in order to imprison him through the use of parallel construction and fraud upon the court, attempts to cause him bodily harm, as well as attempts to deprive him of his ability to make a living through the use of financial blacklisting.” Dkt. 10 at 4-5. He also asks the Court to order the Indiana Grand Racing and Casino to retain copies of surveillance video for the date of September 10, 2019, to assist him in proving “claims of ongoing witness intimidation and stalking behavior.” *Id.* at 7.

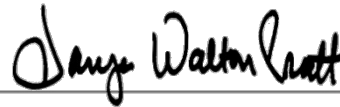
The amended pleading does not cure the deficiencies of the original pleading. The petitioner is not in custody pursuant to any court judgment and even if the Court construes his amended pleading as a civil complaint for damages, he has failed to state any viable claim. A frivolous “suit does not invoke the jurisdiction of a federal court; if it is clear beyond any reasonable doubt that a case doesn’t belong in federal court, the parties cannot by agreeing to litigate it there authorize the federal courts to decide it.” *Carter v. Homeward Residential, Inc.*, 794 F.3d 806, 807 (7th Cir. 2015) (internal quotation omitted).

The petitioner’s motion to maintain document under seal, dkt. [11], is **denied**.

This action is **dismissed for lack of jurisdiction**. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 10/15/2019



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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